

**DATE:** AUGUST 16, 2017

**TO:** ALL INTERESTED PARTIES

/s/ SUZANNE M. AMBROSE

**FROM:** Suzanne M. Ambrose  
Executive Officer

**SUBJECT: NOTICE OF MODIFICATION TO TEXT OF PROPOSED REGULATIONS**

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**Notice is hereby given** that the State Personnel Board (Board) has made changes to the proposed text for the Procedural Regulations Regulatory Package, Division 1, Chapter 1, Subchapters 1, General Civil Service Regulations and 1.2, Hearings and Appeals of Title 2 of the Code of Regulations (CCR). The changes are in response to comments received during the public comment period, which was held December 9, 2016 through January 27, 2017 (50 days), and at the public hearing held on January 26, 2017 which was held 49 days from the date the public comment period commenced. The Board has also made nonsubstantive changes for consistency and clarity.

**I.**

**CHANGES**

**PROPOSED SECTION 52.1(ii)** is amended to clarify the definition of “Rebuttal.”

**PROPOSED SECTION 52.10(c)** is deleted in its entirety as unnecessary

**PROPOSED SECTIONS 52.11(a) & (b)** is amended by reinserting the phrase “an act” and the words “occur” and “pleading” to clarify that counting days applies to acts to be performed and to the filing of documents.

**PROPOSED SECTION 53.2** is amended to delete reference to Government Code section 19702 as cited authority as the section is inapplicable in light of amendments to the section.

**PROPOSED SECTION 53.3** is amended to include reference to Government Code section 19702 as applicable authority in light of the amendment to the section.

15-Day Notice Of Modification  
To Text Of Proposed Regulations

**PROPOSED SECTION 57.1(f)** is amended from 10 calendar days to 12 calendar days to make the filing and service dates of prehearing/settlement conference statements consistent.

**PROPOSED SECTION 57.1(j)** is amended by striking the word “digital” and replacing it with “an electronic.” The phrase, “which can be electronically mailed to the ALJ” is added to the end of the sentence. The changes are to clarify the meaning of “digital format” as originally proposed..

**PROPOSED SECTION 58.10** is amended by deleting the phrase “the job description of an appellant’s classification” and replaced with the phrase with “the Board’s adopted class specification for appellant’s job classification. In addition the word “and” is stricken and replaced with the phrase “filed with the Board including.” The changes are to clarify type of job descriptions and adverse actions subject to official notice.

**PROPOSED SECTION 59.5** is deleted in its entirety.

**PROPOSED SECTION 67.2(a)** is deleted in its entirety.

**PROPOSED SECTION 67.2(b)** is amended become subdivision (a) and the proposed changes to the subsection are deleted in their entirety.

**PROPOSED SECTION 67.2(c)** is amended to become subdivision (b).

**PROPOSED SECTION 67.3(e)** is deleted in its entirety. Changes to the subdivision that follows is technical only.

**PROPOSED SECTION 67.6** is amended to delete reference to prehearing and settlement conference and the provisions of Section 57.1. The section is amended to include the time for filing a Trial Setting Conference statement and the contents of the Trial Setting Conference statement.

## II.

### SUBMISSION OF WRITTEN COMMENTS

The Board will accept written comments between August 17, 2017 and August 31, 2017, regarding the proposed changes that are the topic of this 15-Day Notice or that relate to proposed sections 52.1, 52.10, 52.11, 53.2, 53.3, 57.1, 58.10, 59.5, 67.2, 67.3 or 67.6. All written comments must be submitted and received by the Board **no later** than 5:00 p.m. on August 31, 2017. If you wish to provide written comments, please submit your comments via facsimile, email, or mail to the following:

Mark R. Kruger  
Administrative Law Judge  
State Personnel Board

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801 Capitol Mall, MS 53  
Sacramento, CA 95814  
Fax: (916) 653-4256  
Email: [mark.kruger@spb.ca.gov](mailto:mark.kruger@spb.ca.gov)

All written comments received no later than 5:00 p.m. on August 31, 2017, which pertain to the indicated changes or relate to the afore-stated proposed sections will be reviewed and responded to by the Board as part of the compilation of the rulemaking file. Please limit your comments as specified herein.